

Plaintiffs' Exhibit A

ELIZABETH ANN HOGAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SIERRA BOUCHER, LILY ENGBRECHT,
NATASSIA TUHOVAK, HANNAH WHELAN, AND
CASSIDY WOOD,

Plaintiffs,

- against - Case No.
1:22-cv-00381-CCR

TRUSTEES OF CANISIUS COLLEGE,

Defendant.

Examination before trial of **ELIZABETH ANN HOGAN**, taken pursuant to Subpoena, in the offices of JACK W. HUNT & ASSOCIATES, INC., 1120 Liberty Building, Buffalo, New York, on June 19, 2024, commencing at 9:23 a.m., before LYNNE E. DIMARCO, Notary Public.

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5

09:24:50 1 **The following was marked for Identification:**

2 **PLAINTIFF EXH. 12 Subpoena**

09:24:50 3 **BY MS. NANAU:**

09:24:53 4 **Q.** Is this the Subpoena that you were
09:24:55 5 provided before today?

09:24:58 6 **A.** Yes.

09:24:58 7 **Q.** Okay. And the Subpoena requests the
09:25:03 8 production of documents, including any notes or any
09:25:07 9 other information regarding complaints about
09:25:11 10 Dr. Michael Noonan; do you see that?

09:25:14 11 **A.** Yes.

09:25:14 12 **Q.** Have you provided any notes that you
09:25:18 13 have in your possession to counsel?

09:25:19 14 **A.** I have, yes.

09:25:19 15 **Q.** I'm going to provide you with a witness
09:25:23 16 fee, which was not provided at the same time as the
09:25:24 17 Subpoena, and that is for you, Dr. Hogan.

09:25:27 18 **A.** Okay.

09:25:28 19 **Q.** Okay. So what is your position at
09:25:36 20 Canisius College or University rather?

09:25:39 21 **A.** My position is associate professor in
09:25:43 22 the biology department.

09:25:44 23 **Q.** Okay. Are you chair of the department

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6

09:25:46 1 now?

09:25:46 2 **A.** No.

09:25:47 3 **Q.** Okay. Was there a time when you were
09:25:49 4 chair of the department?

09:25:50 5 **A.** Yes.

09:25:50 6 **Q.** And when was that?

09:25:55 7 **A.** So that began in I believe it was
09:26:00 8 March 2016 after our chair at that time died
09:26:04 9 suddenly. And then I became chair along with my
09:26:08 10 colleague Bob Grebenok.

09:26:10 11 So that began I believe it was in March
09:26:12 12 2016. And then for the next three years 2016-2017,
09:26:18 13 2017-2018 and then in 2018 Bob Grebenok stepped
09:26:22 14 down as chair so I was the only chair from 2018 to
09:26:27 15 2019.

09:26:27 16 **Q.** Okay. What is the biology department's
09:26:32 17 relationship to the ABEC department?

09:26:36 18 **A.** So originally the ABEC department was
09:26:40 19 part of the biology department, I don't remember
09:26:43 20 the exact date of when that happened, but Mike
09:26:46 21 Noonan and along with Sarah Morris in our
09:26:51 22 department were sort of instrumental in starting
09:26:54 23 this program.

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7

09:26:55 1 And then as always was the plan as they
09:26:58 2 started to hire more faculty, they then separated
09:27:02 3 from the biology department.

09:27:04 4 Q. Okay. So is it fair to say that in
09:27:07 5 2019 you didn't have any supervisory role over
09:27:12 6 Dr. Noonan then?

09:27:13 7 A. In 2019 he was still a member of the
09:27:16 8 biology department, so he was a member of both ABEC
09:27:19 9 and biology, which is unusual, but that's the way
09:27:23 10 it was set up. So I did have a supervisory role in
09:27:28 11 that aspect.

09:27:29 12 Q. Got it. How long have you been
09:27:34 13 teaching at Canisius?

09:27:37 14 A. I began in 1999.

09:27:40 15 Q. And have you always been in the biology
09:27:43 16 department?

09:27:43 17 A. Yes.

09:27:44 18 Q. Okay. When you started first working
09:27:49 19 at Canisius, was Dr. Noonan part of the biology
09:27:56 20 department?

09:27:56 21 A. He was.

09:27:56 22 Q. Okay. My understanding is that
09:27:59 23 previously he was a faculty member in the

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8

09:28:02 1 psychology department; is that true?

09:28:04 2 **A.** That's my understanding as well, yes.

09:28:06 3 **Q.** Okay. Do you have any understanding
09:28:08 4 about why he stopped being a psychology department
09:28:13 5 faculty member and became a biology faculty member?

09:28:16 6 **A.** I don't, I believe a lot of that
09:28:18 7 happened before I was -- before I started or when I
09:28:24 8 wasn't really that involved in the situation.

09:28:27 9 So I really I believe there was
09:28:30 10 disagreements between his philosophies and others
09:28:35 11 in the department. I believe there was mediation
09:28:37 12 is what I've heard indirectly from colleagues that
09:28:41 13 are in the psychology department, but I don't know
09:28:44 14 any of the details.

09:28:46 15 **Q.** Okay. Which administrators at Canisius
09:28:53 16 College would know about Dr. Noonan's transfer from
09:28:57 17 the psychology department to biology?

09:29:01 18 **A.** I'm trying to think who was dean at
09:29:04 19 that point. We've gone through so many deans. The
09:29:10 20 chairs of the psychology department are now
09:29:13 21 retired. Harvey Pines I believe was the chair at
09:29:16 22 that point.

09:29:16 23 **Q.** Okay. Who was the chair of the biology

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9

09:29:24 1 department at that time, do you know?

09:29:26 2 **A.** Yes, Paula Den, and she's no longer
09:29:30 3 with the college.

09:29:31 4 **Q.** Okay. Did you ever have an opportunity
09:29:38 5 to observe Dr. Noonan in class?

09:29:46 6 **A.** No.

09:29:47 7 **Q.** Okay. Did you ever go on any trips
09:29:53 8 with Dr. Noonan?

09:29:54 9 **A.** No.

09:29:55 10 **Q.** Okay. As a member of the biology
09:30:03 11 department faculty, did you ever review
09:30:08 12 Dr. Noonan's performance?

09:30:09 13 **A.** Yes.

09:30:10 14 **Q.** And when would you do that, would you
09:30:14 15 do it on a cyclical basis or some other time?

09:30:18 16 **A.** Yeah, so at that -- so the things have
09:30:25 17 changed over the years how we do reviews, but
09:30:29 18 initially every year faculty were required to
09:30:33 19 submit an annual report documenting their
09:30:36 20 scholarship, their teaching and any service.

09:30:40 21 The format of that report has changed as
09:30:44 22 deans have come and gone, but initially every year
09:30:47 23 every faculty was required to submit a report.

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10

09:30:50 1 And then at the department level in my -- in
09:30:55 2 the biology department there's a committee called
09:30:58 3 the FEC, Faculty Evaluation Committee, that is made
09:31:03 4 up of tenured faculty. And they will review
09:31:06 5 everybody's report and evaluate and usually submit
09:31:12 6 a one to two page summary evaluation of the report.

09:31:17 7 And then from there it would go to the dean.
09:31:21 8 And so as a member of the Faculty Evaluation
09:31:25 9 Committee irregardless of whether I was chair or
09:31:28 10 not, that would be the times when I would be able
09:31:33 11 to evaluate an annual report that Mike submitted.

09:31:36 12 Q. Okay. To your knowledge, was
09:31:38 13 Dr. Noonan ever exempt from any annual report
09:31:43 14 documentation requirements?

09:31:49 15 A. As far as I can recall when I was on
09:31:51 16 the FEC, he always submitted a report.

09:31:54 17 Q. When did you serve on the FEC?

09:31:57 18 A. Well, it would not have been until I
09:32:01 19 had tenure.

09:32:02 20 Q. Okay. When did you get tenure?

09:32:04 21 A. I should know this, I think 2006.

09:32:08 22 Q. Okay.

09:32:10 23 A. And then we sort of rotate through, so

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16

09:40:32 1 this time period?

09:40:34 2 **A.** I believe at that point they were
09:40:36 3 submitted electronically, so, yes, he would have
09:40:40 4 submitted a report.

09:40:41 5 **Q.** Okay. Do you have copies of that in
09:40:44 6 your possession?

09:40:46 7 **A.** In my possession right now?

09:40:48 8 **Q.** Well, no, not right now, but in your
09:40:51 9 capacity as a former or current FEC member for the
09:40:56 10 biology department, do you retain those records?

09:40:59 11 **A.** Yes.

09:41:00 12 **Q.** Okay. Because I don't have it. So I'm
09:41:04 13 just wondering, you know, what is the basis for
09:41:07 14 this report?

09:41:09 15 **A.** Right.

09:41:13 16 **Q.** When a faculty member like Dr. Noonan
09:41:16 17 provides their annual or now every three years
09:41:20 18 evaluation report, what does it consist of?

09:41:32 19 **A.** At that time period?

09:41:33 20 **Q.** Yes, 2016.

09:41:34 21 **A.** It has changed since then.

09:41:36 22 **Q.** Got it. So, yeah, I'm interested in
09:41:38 23 the 2016-2017 time period.

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17

09:41:40 1 **A.** Typically there's three sections.

09:41:40 2 **Q.** Okay.

09:41:43 3 **A.** And you're supposed to summarize any
09:41:46 4 changes that you made to the courses that you
09:41:48 5 taught during that process, comment on any student
09:41:52 6 feedback and also comment on any changes that you
09:41:59 7 plan to instill the next time you teach the class
09:42:04 8 based on feedback.

09:42:06 9 So one section is teaching, the second
09:42:08 10 section is scholarship where typically the faculty
09:42:12 11 member will discuss the basis of their research,
09:42:16 12 any outcomes, whether it be presentation or paper
09:42:19 13 published.

09:42:19 14 And then the third section is service. And
09:42:22 15 so usually that's just a bullets of all the
09:42:26 16 committees that they've served on either within the
09:42:30 17 department, campus wide, or if they are doing
09:42:33 18 outside service.

09:42:35 19 **Q.** Okay. I took the deposition of
09:42:41 20 Dr. Joshua Russell yesterday who is a member of the
09:42:44 21 ABEC department. And Dr. Russell told me that
09:42:50 22 obtaining student feedback is optional for
09:42:56 23 professors; is that true?

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31

09:58:15 1 Q. Now, not hypothetically, did you ever
09:58:20 2 direct a student to the biology department chair
09:58:23 3 where a student raised a concern with you about
09:58:27 4 Dr. Noonan; do you recall that?

09:58:28 5 A. I don't recall.

09:58:29 6 Q. Okay. So can you tell me when is the
09:58:37 7 first time a student came to you with concerns
09:58:40 8 about Dr. Noonan?

09:58:44 9 A. Yes, it was after a faculty member in
09:58:52 10 my department raised concerns about a student and
09:58:57 11 her interactions with Dr. Noonan.

09:58:59 12 That student -- I told the faculty members
09:59:04 13 to tell the student to make an appointment to see
09:59:08 14 me so we could discuss the situation, so that would
09:59:12 15 be January 2019.

09:59:13 16 Q. Okay. So who was the faculty member
09:59:16 17 that brought this concern of the students to your
09:59:19 18 attention?

09:59:19 19 A. Dr. Daniel Hauser.

09:59:22 20 Q. So what did Dr. Hauser tell you?

09:59:26 21 A. He told me that he was concerned about
09:59:30 22 a student in his lab who was doing a research
09:59:34 23 project that was involving both Dr. Noonan and

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32

09:59:39 1 himself.

09:59:40 2 And that the student seemed very upset about
09:59:46 3 a conversation she had with Dr. Noonan and was
09:59:50 4 ready to quit research because of this stress that
09:59:55 5 she felt.

09:59:56 6 **Q.** Did Dr. Hauser provide you anymore
10:00:00 7 specific information about the nature of the
10:00:04 8 conversations with Dr. Noonan that made her so
10:00:06 9 upset?

10:00:08 10 **A.** He did not.

10:00:10 11 **Q.** Okay. So ultimately the student,
10:00:17 12 did she come to meet with you?

10:00:18 13 **A.** Yes.

10:00:19 14 **MS. NANAU:** Okay. I'm going to show you
10:00:25 15 what we are going to mark as Plaintiff's
10:00:29 16 Exhibit 15.

10:00:29 17 **The following was marked for Identification:**

18 **PLAINTIFF EXH. 15 E-mail Chain - Bates stamped**
19 **Canisius 1519 to 1520**

10:00:36 20 **BY MS. NANAU:**

10:00:41 21 **Q.** Plaintiff's Exhibit 15 is a two-page
10:00:43 22 document, the Bates stamp is Canisius 1519 to 1520.
10:01:15 23 So starting with the second page of this

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33

10:01:18 1 exhibit -- or actually the bottom of the first
10:01:22 2 page, there's an e-mail from the student to you
10:01:25 3 dated January 24th, 2019, correct?

10:01:28 4 **A.** Correct.

10:01:29 5 **Q.** Okay. And in the body of the e-mail,
10:01:33 6 which is on the second page, the student reports to
10:01:38 7 you that Dr. Hauser reached out to her and said
10:01:42 8 that you would like to talk to her about the
10:01:46 9 combined research with Dr. Hauser and Dr. Noonan,
10:01:49 10 correct?

10:01:49 11 **A.** Correct.

10:01:49 12 **Q.** And did such a meeting take place?

10:01:53 13 **A.** Yes.

10:01:54 14 **Q.** Okay. And who was at the meeting
10:01:56 15 besides you and the student?

10:02:00 16 **A.** No one else.

10:02:02 17 **Q.** Did you take notes during that meeting?

10:02:05 18 **A.** I did.

10:02:05 19 **Q.** Okay. What did the student tell you?

10:02:13 20 **A.** She explained why she decided to stop
10:02:18 21 doing research with Dr. Noonan. She described
10:02:24 22 conversations that she had with Dr. Noonan that
10:02:26 23 left her in tears.

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34

10:02:30 1 She described that it was a very stressful
10:02:33 2 situation and she thought it was best to cut ties
10:02:40 3 with him and that it would be unfair for her to
10:02:46 4 continue.

10:02:46 5 Because we discussed the option of her doing
10:02:49 6 research solely with Dr. Hauser without any contact
10:02:54 7 with Dr. Noonan, but she felt that would be unfair
10:02:59 8 to Dr. Hauser. So she felt her best option was to
10:03:03 9 walk away from the project.

10:03:05 10 Q. Did the student raise any concerns with
10:03:09 11 you about, you know, the impact on her educational
10:03:14 12 life with this decision to cut ties and walk away
10:03:19 13 from the project?

10:03:20 14 A. Yeah.

10:03:21 15 Q. What did she say?

10:03:23 16 A. She had intended to go to vet school
10:03:27 17 and she felt that the stress of the situation that
10:03:32 18 she's been in at Canisius and working with
10:03:35 19 Dr. Noonan had made her re-think that of trying to
10:03:41 20 go on with another four years of school at that
10:03:45 21 point.

10:03:47 22 Q. Okay. Is there anything else that the
10:03:53 23 student said to you during the meeting that you had

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35

10:03:56 1 with her following this January 24th, 2019 e-mail?

10:04:08 2 **A.** I'm just trying to recall what I wrote
10:04:12 3 down in my notes.

10:04:14 4 **Q.** Yeah, well, let's -- if you -- this is
10:04:16 5 not like a test of memory.

10:04:16 6 **A.** Yeah.

10:04:18 7 **Q.** Although I'm not really sure if these
10:04:21 8 are your notes or not, so you're going to have to
10:04:25 9 tell me.

10:04:26 10 So we're going to mark this as Plaintiff's
10:04:29 11 Exhibit 16.

10:04:29 12 **The following was marked for Identification:**

13 **PLAINTIFF EXH. 16 Notes - Bates stamped**
14 **Canisius 569 to 598**

10:04:29 15 **THE WITNESS:** Yes, these are my notes.

10:04:33 16 **BY MS. NANAU:**

10:04:34 17 **Q.** I'm glad I intuited that this was your
10:04:38 18 handwriting. So this document was produced by
10:04:41 19 defendant, the Bates stamp range is Canisius 569 to
10:04:48 20 598.

10:04:51 21 So these are your notes. So I'm going to
10:04:59 22 let you tell me what we're looking at on the first
10:05:03 23 page.

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40

10:10:39 1 **A.** Correct.

10:10:39 2 **Q.** Okay. The student told you in addition
10:10:48 3 to the fact that she was no longer going to
10:10:52 4 veterinarian school that she was worried that
10:10:58 5 Dr. Noonan would have a negative impact on her
10:11:03 6 application?

10:11:04 7 **A.** Yes.

10:11:06 8 **Q.** Can you tell me a little bit more about
10:11:08 9 that concern of the student. What exactly was the
10:11:12 10 concern that she wouldn't get a recommendation or
10:11:15 11 that he would write something that wasn't positive
10:11:18 12 for her?

10:11:20 13 **A.** As best as I can recall, she felt that
10:11:24 14 because she terminated her research project with
10:11:27 15 Dr. Noonan he would not write a letter of
10:11:31 16 recommendation for her for vet school.

10:11:34 17 She also seemed to be under the impression
10:11:37 18 that he had many contacts at vet school, so even if
10:11:42 19 she didn't ask him to write a letter of
10:11:44 20 recommendation, he would be able to influence that
10:11:47 21 process.

10:11:52 22 **Q.** Did you ask the student where she got
10:11:55 23 that understanding about Dr. Noonan's influence at

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47

10:19:14 1 committee in a respectful way as you observed?

10:19:19 2 **A.** Yeah, because I was part of the
10:19:21 3 executive committee at that point. There was
10:19:24 4 another female that was vice president from the
10:19:29 5 chemistry department. But, yes, I had no
10:19:31 6 perceptions of him being disrespectful to anybody
10:19:36 7 on the committee.

10:19:36 8 **Q.** Okay. So getting back to the
10:19:42 9 January 25th meeting, how did you leave it with the
10:19:50 10 student at the end of the meeting, what were next
10:19:54 11 steps?

10:19:54 12 **A.** So I was clearly alarmed at the details
10:19:59 13 she was revealing to me at that point. I
10:20:02 14 understood that this was a situation that required
10:20:05 15 me reporting it to -- at that point we only had one
10:20:10 16 Title IX officer, so I let her know that I would be
10:20:16 17 reporting this.

10:20:17 18 And I just went through with her the
10:20:21 19 different options. I said that I'm obligated to
10:20:26 20 report this without using your name, but I have to
10:20:29 21 report what you said to the Title IX officer, but I
10:20:33 22 went through some of the other options she could
10:20:35 23 have.

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48

10:20:36 1 She could meet directly with the Title IX
10:20:38 2 officer, I believe there's also an online anonymous
10:20:43 3 one that she could submit a complaint as well.

10:20:49 4 So I went through all of those options,
10:20:55 5 yeah.

10:20:55 6 Q. Okay. During the course of this
10:20:57 7 meeting, this student also informed you that there
10:21:02 8 was another woman on the team who felt similarly
10:21:06 9 about Dr. Noonan and wanted to come forward,
10:21:08 10 correct?

10:21:08 11 A. Yes.

10:21:10 12 Q. And that student was Natassia Tuhovak,
10:21:15 13 correct?

10:21:15 14 A. I believe so. The name is blocked out
10:21:19 15 here, but I believe that was Natassia.

10:21:21 16 Q. Okay. Did there ever come a time where
10:21:22 17 you met with Natassia?

10:21:25 18 A. Yes.

10:21:27 19 Q. Okay. So I'm turning now to the next
10:21:34 20 page, Canisius573. And before I ask you any
10:21:38 21 questions, I just want to make sure your meeting,
10:21:43 22 it seems like there are a couple memorialized on
10:21:48 23 this page, but maybe not.

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54

10:29:02 1 **BY MS. NANAU:**

10:29:02 2 **Q.** Okay. That's helpful. I'm

10:29:04 3 wondering --

10:29:06 4 **MR. D'ANTONIO:** That's how I read it, but
10:29:06 5 you should talk to Liz obviously, I wasn't there.

10:29:09 6 **BY MS. NANAU:**

10:29:09 7 **Q.** Yeah. Okay. So prior to this meeting
10:29:12 8 with Ms. Walleshauser regarding Natassia Tuhovak's
10:29:16 9 concerns and the initial student, did you have any
10:29:22 10 conversations with anyone else at Canisius about
10:29:25 11 these concerns that were being raised regarding
10:29:28 12 Dr. Noonan?

10:29:34 13 **A.** So I believe that after I first met
10:29:37 14 with the student's name who was redacted, I called
10:29:43 15 Linda Walleshauser to discuss the situation.

10:29:47 16 **Q.** Okay.

10:29:47 17 **A.** Or sent an e-mail, something.

10:29:50 18 **Q.** Okay. So you had a conversation with
10:29:52 19 Ms. Walleshauser. And what did you convey to her
10:29:54 20 during that initial conversation?

10:29:56 21 **A.** Just repeated the information that the
10:29:58 22 student conveyed to me and what -- again, we just
10:30:02 23 reiterated the options that she had. She

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55

10:30:05 1 encouraged the student to come forward and meet
10:30:08 2 with her.

10:30:10 3 Q. Okay. And the information that you got
10:30:13 4 from Ms. Walleshauser is essentially memorialized
10:30:16 5 in Plaintiff's 15, she could either meet with
10:30:20 6 Walleshauser, alternatively she could use Callisto
10:30:24 7 to report it, correct?

10:30:25 8 A. Correct.

10:30:26 9 Q. Okay. Did there ever come a time when
10:30:32 10 you met with anyone else to discuss the situation,
10:30:34 11 other than Ms. Walleshauser before this
10:30:37 12 February 6th meeting?

10:30:42 13 A. Yeah, so I have here in my notes that
10:30:47 14 Sue Margulis, Dr. Margulis and I met with the dean.

10:30:50 15 Q. Where are you looking at now?

10:30:52 16 A. I'm looking at document 572.

10:30:55 17 Q. Okay. That's the last line?

10:30:57 18 A. Yeah.

10:30:57 19 Q. Okay. And so who is the dean
10:31:00 20 referenced here?

10:31:00 21 A. Dr. Schaver.

10:31:02 22 Q. Okay. So let's --

10:31:05 23 MR. D'ANTONIO: S-C-H-A-V-E-R.

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56

10:31:14 1 **MS. NANAU:** We're up to 18?

10:31:16 2 **MR. D'ANTONIO:** Yes.

10:31:18 3 **MS. NANAU:** Thanks. So this is going to be
10:31:21 4 Plaintiff's Exhibit 18, Plaintiff's 18 is Bates
10:31:23 5 stamp Canisius 1522.

10:31:23 6 **The following was marked for Identification:**

7 **PLAINTIFF EXH. 18 Bates stamped Canisius 1522**

10:31:23 8 **BY MS. NANAU:**

10:31:46 9 **Q.** So there are two e-mails on this
10:31:48 10 document. The one dated January 29th, 2019 at 4:46
10:32:00 11 is from Dr. Margulis. And she wrote, dear Linda,
10:32:05 12 Liz Hogan and I met with dean Peter Schaver this
10:32:09 13 afternoon so he is up to speed on the issues we
10:32:12 14 discussed yesterday. He said he would be in touch
10:32:15 15 with you. And Ms. Walleshauser confirmed that she
10:32:18 16 had received her update, correct?

10:32:20 17 **A.** Correct.

10:32:21 18 **MR. D'ANTONIO:** Objection, form, her update.
10:32:23 19 I think it's Sue Margulis' update.

10:32:24 20 **MS. NANAU:** She's thanking her for this
10:32:27 21 update.

10:32:28 22 **MR. D'ANTONIO:** Right, but you said your
10:32:30 23 update. I don't think it's hers.

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57

10:32:32 1 **BY MS. NANAU:**

10:32:33 2 **Q.** Okay. It's Dr. Margulis' update.

10:32:35 3 Thank you.

10:32:35 4 So what was discussed at this meeting with
10:32:39 5 dean Schaver?

10:32:42 6 **A.** So we relayed to him the information.

10:32:47 7 At that point I had only met with the first
10:32:51 8 student, relayed to him the situation of him being
10:32:55 9 disrespectful to the students, the impact that he
10:32:59 10 had on her in terms of the type of conversations so
10:33:04 11 he was aware of that.

10:33:06 12 I believe at that point he may have
10:33:08 13 suggested that either myself or Dr. Margulis should
10:33:14 14 have a discussion directly with Mike Noonan about
10:33:19 15 the situation.

10:33:19 16 **Q.** Okay. And did anyone have a
10:33:23 17 conversation with Dr. Noonan at that time?

10:33:27 18 **A.** Not that I can remember.

10:33:28 19 **Q.** Okay.

10:33:29 20 **A.** And can I just back up there for a
10:33:32 21 second?

10:33:32 22 **Q.** Please.

10:33:33 23 **A.** So I think we were waiting to make sure

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58

10:33:41 1 that Linda was involved in the situation before we
10:33:45 2 went further to see how it should be resolved.

10:33:48 3 Q. Okay. How did it come to be that
10:33:53 4 Dr. Margulis got involved in the situation?

10:33:56 5 A. I believe that after -- because she's
10:34:01 6 chair of the ABEC department at some point after I
10:34:05 7 met with the first student, I talked with her and
10:34:08 8 let her know what was going on.

10:34:10 9 Q. Okay. What was Dr. Margulis' reaction
10:34:15 10 to this information that you provided her with
10:34:19 11 regard to your meeting with the first student?

10:34:28 12 A. She was concerned. I believe that she
10:34:37 13 had heard other comments from perhaps students,
10:34:41 14 other students besides this one, but she was I
10:34:46 15 would say concerned.

10:34:47 16 Q. Did Dr. Margulis tell you that she had
10:34:52 17 received comments from other students expressing
10:34:54 18 concern about Dr. Noonan?

10:34:58 19 A. I'm not sure if it was at this meeting
10:35:02 20 or a subsequent meeting.

10:35:03 21 Q. Okay. Do you remember the sum and
10:35:05 22 substance of what she told you about those other
10:35:08 23 comments?

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86

11:25:03 1 with.

11:25:04 2 Also, students were doing research with
11:25:06 3 Dr. Noonan and that counted as credit, so we needed
11:25:10 4 to figure out a way that they could continue to do
11:25:14 5 research if Dr. Noonan were to leave Canisius.

11:25:19 6 So we've already talked about the class
11:25:22 7 social organization of mammals, different options,
11:25:24 8 can somebody else teach the class or another option
11:25:29 9 was to have the students transfer into a different
11:25:32 10 class if Dr. Noonan did not leave the institute,
11:25:35 11 but I think everybody agreed that these
11:25:38 12 students -- any student who filed a complaint or
11:25:41 13 was part of this team should not be in the
11:25:45 14 classroom with Dr. Noonan at the same time.

11:25:48 15 And then there's various options that were
11:25:51 16 discussed, a complete suspension, a no contact
11:25:55 17 clause. I believe we were also concerned that if
11:26:07 18 there was a suspension that there may be some
11:26:14 19 psychological effect on Dr. Noonan and that we
11:26:16 20 should be aware of that.

11:26:17 21 **Q.** What kind of psychological effect?

11:26:21 22 **A.** Depression, you know, any -- that
11:26:26 23 clearly would be devastating to him to be removed

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87

11:26:29 1 from the college, so making sure that he had access
11:26:32 2 to counseling if need be.

11:26:38 3 Some of the questions that needed to be
11:26:41 4 discerned I think is what I have listed next.
11:26:45 5 Question of whether or not there was any -- while
11:26:47 6 the students were in India, was there any local
11:26:53 7 health care facility that could have facilitated or
11:26:59 8 helped them with their health issues.

11:27:02 9 I have something down here I believe it was
11:27:07 10 a -- seems like it says these women have it out for
11:27:10 11 me. So I don't know if that was a statement from
11:27:15 12 Dr. Noonan that was said previously.

11:27:21 13 Then there's a question of whether there
11:27:24 14 were any men on the trip.

11:27:27 15 Q. And then you have notes process of
11:27:29 16 suspension and then signed contract to give him
11:27:33 17 medical, what does that mean?

11:27:37 18 A. If he was to be suspended to ensure
11:27:40 19 that he still had access to medical care if needed.

11:27:44 20 Q. Okay. Were you discussing these issues
11:27:51 21 with Dr. McCarthy because you were ultimately going
11:27:54 22 to be part of the group of people making
11:27:58 23 determinations regarding how Dr. Noonan would be

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121

12:26:24 1 **A.** I believe this would have been a
12:26:26 2 meeting, yes.

12:26:28 3 **MR. D'ANTONIO:** Okay.

12:26:28 4 **BY MS. NANAU:**

12:26:29 5 **Q.** Okay. On February 22nd, 2019 had
12:26:33 6 Ms. Boucher to your knowledge already gone to
12:26:36 7 Ms. Walleshauser to make a statement or had she
12:26:40 8 not?

12:26:42 9 **A.** I don't know. I wasn't given a list of
12:26:46 10 the students who gave statements to Linda.

12:26:49 11 **MS. NANAU:** Okay. I'm just going to show
12:26:53 12 you this e-mail. This is going to be
12:26:58 13 Plaintiff's 23.

12:26:58 14 **The following was marked for Identification:**

15 **PLAINTIFF EXH. 23 Bates stamped Canisius 1660**

12:27:05 16 **BY MS. NANAU:**

12:27:06 17 **Q.** Plaintiff's 23 is a one-page document,
12:27:09 18 the Bates stamp is Canisius 1660. So this is an
12:27:35 19 e-mail from Ms. Walleshauser to you dated
12:27:38 20 February 14th, 2019, correct?

12:27:40 21 **A.** Yes.

12:27:41 22 **Q.** And she's reporting to you -- well, the
12:27:44 23 subject is student meetings, correct?

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122

12:27:47 1 **A.** Yes.

12:27:47 2 **Q.** And in this e-mail Ms. Walleshauser is
12:27:51 3 reporting to you the students she has met with this
12:27:56 4 week and there's a list of students, correct?

12:27:57 5 **A.** Correct.

12:28:00 6 **Q.** And I assume that this list of students
12:28:03 7 relates to students who went to her to make
12:28:06 8 statements about Dr. Noonan's misconduct, correct?

12:28:11 9 **A.** I assume that, yes.

12:28:12 10 **Q.** Okay. And then she reports to you two
12:28:16 11 anonymous bias reports filed specifically regarding
12:28:21 12 Dr. Noonan, both sophomores. Please let me know if
12:28:25 13 you have any questions. Thank you for all of your
12:28:28 14 assistance; did I read that correctly?

12:28:30 15 **A.** Correct.

12:28:31 16 **Q.** Did Ms. Walleshauser ever give you the
12:28:33 17 bias, the anonymous bias reports to review?

12:28:36 18 **A.** No.

12:28:37 19 **Q.** Okay. Do you know if Ms. Walleshauser
12:28:40 20 ever was able to determine who the students were
12:28:45 21 who filed the anonymous bias reports?

12:28:49 22 **A.** I don't know.

12:28:50 23 **Q.** Okay. Ms. Boucher is on the list of

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123

12:28:58 1 students that Ms. Walleshauser reported she met
12:29:02 2 with on February 14th, 2019, correct?

12:29:05 3 **A.** Correct.

12:29:06 4 **Q.** And so after this Ms. Boucher met with
12:29:10 5 you at some point or not at some point, on
12:29:12 6 February 22nd, 2019, correct?

12:29:15 7 **A.** Correct.

12:29:15 8 **Q.** Okay. And I'm wondering, do the notes
12:29:23 9 reflect your recollection as to the purpose of the
12:29:26 10 meeting with Ms. Boucher?

12:29:30 11 **MR. D'ANTONIO:** Objection to form, you can
12:29:32 12 answer, if you know.

12:29:35 13 **THE WITNESS:** I just need a moment to review
12:29:39 14 these.

12:29:39 15 **BY MS. NANAU:**

12:29:42 16 **Q.** Go ahead.

12:29:54 17 **A.** Okay.

12:29:55 18 **Q.** So do the notes refresh your
12:29:57 19 recollection as to the purpose of the meeting with
12:30:00 20 Ms. Boucher on February 22nd, 2019?

12:30:03 21 **A.** Yes.

12:30:05 22 **Q.** Tell me what the purpose was.

12:30:08 23 **A.** She was concerned about not hearing

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124

12:30:12 1 anything from Canisius about what was going on with
12:30:19 2 the investigation.

12:30:20 3 So I believe the investigation
12:30:25 4 started -- Dr. Noonan's suspension began on 2/15
12:30:28 5 and they were not getting any updates and she was
12:30:32 6 concerned about that.

12:30:33 7 Q. Okay. So you have a note here out of
12:30:38 8 the loop and then better communication, correct?

12:30:40 9 A. Correct.

12:30:41 10 Q. And then in quotes you have legally
12:30:45 11 unable to discuss output; is that correct?

12:30:49 12 A. Correct.

12:30:50 13 Q. Okay. Is that what Ms. Boucher
12:30:56 14 reported to you just because it's in quotes, so I'm
12:31:00 15 wondering?

12:31:01 16 A. Yeah, no, I believe that that was what
12:31:05 17 she was told via somebody else in the
12:31:08 18 investigation.

12:31:08 19 Q. Okay. Did that bother Ms. Boucher, is
12:31:12 20 that why she told you that, do you recall?

12:31:17 21 A. My general impression is that they were
12:31:20 22 concerned about not hearing any updates during that
12:31:23 23 period when the investigation started and it ended.

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125

12:31:27 1 Q. Okay. So Ms. Boucher expressed to you
12:31:31 2 her concern and the concern of the other students
12:31:34 3 who came forward to say that they were concerned
12:31:38 4 about the lack of communication, right?

12:31:40 5 A. Yes.

12:31:40 6 Q. Okay. And then it looks like you
12:31:43 7 discussed Project Tiger a little bit?

12:31:45 8 A. Right, I believe she gave me more
12:31:48 9 detail on what the intended outcome of the project
12:31:54 10 was. And as I said previously, I really had no
12:31:59 11 understanding of what this project was up to that
12:32:02 12 point.

12:32:02 13 Q. Because it was an ABEC department
12:32:06 14 project?

12:32:07 15 A. Correct.

12:32:08 16 Q. And so it looks like Ms. Boucher
12:32:12 17 explained to you that there was going to be two
12:32:15 18 documentaries?

12:32:17 19 A. Correct.

12:32:17 20 Q. And two video series; is that fair?

12:32:20 21 A. Yes.

12:32:20 22 Q. Okay. And then it looks like under two
12:32:32 23 video series you wrote You Tube video 10, two

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126

12:32:36 1 minutes and something else that I can't make out.

12:32:36 2 Can you tell me what that means, or what that says

12:32:36 3 rather?

12:32:39 4 **A.** I think it says one month after

12:32:41 5 graduation was when they were intending to complete

12:32:45 6 that.

12:32:45 7 **Q.** Okay. So at the outset they already

12:32:49 8 knew that they couldn't complete all of this work

12:32:52 9 before graduation?

12:33:02 10 **A.** Yeah, I don't know if that was after

12:33:04 11 these events occurred or if that was the plan ahead

12:33:07 12 of time.

12:33:07 13 **Q.** Got it. Then underneath the Project

12:33:11 14 Tiger heading there is a heading mentorship. And

12:33:16 15 then it says with plan Margulis mentorship, digital

12:33:24 16 media, digital institute, correct?

12:33:26 17 **A.** Correct.

12:33:27 18 **Q.** Do you recall what was being discussed

12:33:29 19 and why you took those notes?

12:33:38 20 **A.** Well, I believe the idea was that

12:33:41 21 Dr. Margulis being more familiar with the project

12:33:46 22 would try to come up with some sort of plan to

12:33:50 23 complete it.

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131

12:39:17 1 her meeting pushed back to 3/24. So I believe this
12:39:22 2 is referring to the final meeting after the
12:39:28 3 investigation concluded where Mike was informed
12:39:34 4 that he was to -- well, that he was terminated, I
12:39:41 5 believe.

12:39:42 6 **Q.** So on March 4th, 2019 you already knew
12:39:46 7 that professor Noonan's employment with Canisius
12:39:49 8 was going to be terminated?

12:39:51 9 **A.** No, I did not know that. I did not
12:39:54 10 know the outcome of the meeting at that point.

12:39:54 11 **Q.** Okay.

12:39:57 12 **A.** Or I had no contact with the
12:39:58 13 investigation, but I believe that meeting is where
12:40:01 14 that may have occurred.

12:40:02 15 **Q.** Okay. And then the next point it reads
12:40:09 16 concerned with lack of communication with students?

12:40:12 17 **A.** Yes.

12:40:13 18 **Q.** And then the next point is -- could you
12:40:17 19 read that, please?

12:40:18 20 **A.** Sure. Feels like the students aren't
12:40:21 21 protected.

12:40:21 22 **Q.** Okay. Is there anything that
12:40:26 23 Ms. Tuhovak informed you to amplify that comment

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132

12:40:36 1 for you?

12:40:42 2 **A.** I don't recall like the specific
12:40:45 3 examples that she gave me, but...

12:40:47 4 **Q.** Okay. Is it fair to say that not the
12:40:52 5 next point but the one under that may exemplify
12:40:59 6 Ms. Tuhovak's point? It seems like this note says
12:41:03 7 HR should have contacted students prior to first
12:41:05 8 meeting with Mike to let them know that they should
12:41:10 9 not be in the lab?

12:41:12 10 **A.** Yes, to let them know when they should
12:41:15 11 not be in the lab.

12:41:17 12 **Q.** So Ms. Tuhovak had a complaint about a
12:41:25 13 lack of notice regarding the first meeting with
12:41:29 14 Dr. Noonan and Dr. McCarthy and Ms. Walleshauser?

12:41:34 15 **A.** I don't know the details of who was at
12:41:37 16 that meeting. I know Dr. McCarthy was there.

12:41:39 17 **Q.** Okay.

12:41:40 18 **A.** But, yes, she was definitely upset that
12:41:45 19 she didn't know about the meeting ahead of time.

12:41:49 20 **Q.** And could have been in the lab,
12:41:51 21 correct?

12:41:51 22 **A.** Correct.

12:41:52 23 **MR. D'ANTONIO:** Object to the form.

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